

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Torres, M.

Art Unit: 2683

In re:

Applicant: WEIDNER, W., et al

Serial No.: 09/367,569

Filed: December 21, 1999

REPLY TO EXAMINER'S ANSWER

March 3, 2009

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Examiner's Answer of January 5, 2009.

In the Examiner's Answer, in Section (10), the Examiner stated that "looking at Figure 7, the bottom display uses only the first two soft keys and the last two soft keys, however, when a call is dialed it changes to Fig. 8 and only the first key have (sic!) a function during dialing (see col. 6, operation). Thereby,

pressing a call button causes a transition to a different operating state in which three buttons has (sic!) no function."

It is respectfully submitted that the Appellants respectfully disagree with the Examiner's position expressed in the above cited paragraph.

The transition to the calling state of Fig. 8 is achieved by pressing the first soft key as indicated by the Examiner and in the calling state this soft key remains active. The statement in the appeal Brief that there is no teaching of an arrangement in which pressing a button causes a transition to a different operating state in which that button (emphasis added) has no function is correct and has not been shown to be incorrect by the Examiner in the Examiner's Answer.

It is therefore respectfully submitted that the new features of the present invention as defined in Claim 23 are not disclosed in the prior art applied by the Examiner and cannot be derived from it as a matter of obviousness. Claim 23, as well as Claim 22 which depends on it, should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,


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